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Return Receipt Requested

STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JOHNSON CITY ENVIRONMENTAL FIELD OFFICE
2305 SILVERDALE ROAD
JOHNSON CITY, TENNESSEE 37601-2162
(423) 854-5400 STATEWIDE 1-888-891-8332 FAX (423) 854-5401

October 6, 2009

Mr. Harold Cochran
81 Auto Yard
616 W. Main Street
Jonesborough, TN 37659

RE: **Notice of Violation**/Stormwater Compliance Evaluation Inspection
81 Auto Yard TNR051779/ TNR160246
Washington County

Dear Mr. Cochran:

81 Auto Yard had coverage under the Tennessee Multi-Sector NPDES permit (TMSP) for stormwater discharges associated with industrial activity under Sector M. This permit expired on December 31, 2006. The permit was administratively extended until the new general permit was issued. Please note that the TMSP general permit was issued on May 15, 2009 and became effective on June 1, 2009. To retain coverage under the permit, facilities had to submit a Notice of Intent, NOI, not more than 30 days after the effective date.

I arrived at 1534 Highway 81 S. on October 1, 2009 in order to conduct a stormwater inspection. The purpose of the inspection was to evaluate compliance with the TMSP. The gate was locked and no one appeared to be on-site. I was unable to reach you by telephone. Please contact me in order to clarify the status of your TMSP.

Also, it was noted that you have disturbed more than one acre on your site. I did not observe erosion and sediment control measures. This activity requires a construction stormwater permit. You were notified of this requirement in a Notice of Violation (NOV) dated December 5, 2003. You submitted a Notice of Intent (NOI) on January 20, 2004, but the submitted NOI was incomplete. You were informed of this in a letter dated February 9, 2004. A Notice of Coverage was not issued.

Failure to provide adequate erosion and sediment control measures and the discharge of storm water from construction activities without a permit constitutes a violation of the *Tennessee General Permit No. TNR10-0000, Construction General Permit for*

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Storm Water Discharges From Construction Activities and the Tennessee Water Quality Control Act of 1977.

This letter will serve as formal Notice of Violation and by copy will inform our Enforcement and Compliance Section of the violations. Violations of the *Act* may subject you to civil penalties for each day the violation occurs or continues. In order to come into compliance with the Act, you must take the following actions:

1. **You must complete the Notice of Intent to apply for a General NPDES Permit for Storm Water Discharge Associated With Construction.**
2. **You must submit a site-specific Storm Water Pollution Prevention Plan (SWPPP) The SWPPP must be developed, implemented and updated according to Part 3 of the Construction General Permit**
3. **Erosion control structures to prevent further migration of soil materials off site must be installed immediately.**

These corrective actions must be implemented immediately.

Please contact me at (423) 854-5432 if you have any questions.

Sincerely,



Carolyn Doyle
Johnson City Environmental Field Office
Division of Water Pollution Control

CD/15069279

CC: Enforcement and Compliance, TDEC/WPC/NCO
File, TDEC/WPC/JCEFO